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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2021/1450/FUL	ITEM 1	
Proposal:	Change of use of land from agricultural to equestrian use and the erection of a stable building.		
Address:	Land to the west of Uppingham Road, Seaton		
Applicant:	Mr Giles Gilbey	Parish	Seaton
Agent:	Mr Jason Edwards	Ward	Lyddington
Reason for presenting to Committee:	Councillor Call In		
Date of Committee:	22 November 2022		
Determination Date:	7 February 2022		
Agreed Extension of Time Date:	25 November 2022		

EXECUTIVE SUMMARY

The proposal comprises the change of use of the site from agricultural to equestrian use and the erection of a stable building. The proposals are acceptable in land use terms and would have an acceptable visual impact on the site and surroundings and would preserve the character and appearance of the conservation area. The proposal, subject to conditions, would have no undue harmful impact on residential amenity. Conditions relating to landscaping and ecological gain can be imposed. In terms of highway safety, the Highway Authority originally objected to the proposal as the access is substandard. However, it has since assessed that the access is historic and not a new access; as such, an objection cannot reasonably be raised on the grounds of highway safety.

RECOMMENDATION

<p>APPROVAL subject to the following conditions:</p> <p>1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:</p> <p>Location Plan 22831/01C Proposed Block Plan and Stable Building</p> <p>Reason: For the avoidance of doubt and in accordance with Policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.</p> <p>2. The development shall take place using the external materials submitted as part of the application.</p> <p>Reason: To ensure that materials of an acceptable quality appropriate to the area are used and in accordance with Policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.</p> <p>3. The timber post and rail fencing shown on 22831/01C shall be implemented on site and the existing close boarded fencing removed, both within two months of the date of this permission and thereafter be so maintained.</p>

Reason: In the interests of visual amenity and in accordance with Policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.

4. Within two months of the date of this permission, a landscaping scheme to include native planting and a biodiversity net gain proposal shall be submitted to and be approved in writing by the Local Planning Authority. The proposals, planting, seeding, or turfing shown on the approved details shall be carried out during the first planting and seeding season (October - March inclusive) following the approval of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the landscaping is carried out at the appropriate time and is properly maintained and in accordance with Policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.

5. Within one month of the date of this permission, a manure management plan shall be submitted to and be approved in writing by the Local Planning Authority. The use of the site shall thereafter take place in accordance with this agreed plan. The details submitted within the plan shall include how the manure will be stored, for example placed in a wagon and removed to agricultural land or if a fixed store is to be constructed details of this structure and its use.

Reason: In the interests of residential amenity and in accordance with Policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

6. No external illumination shall be installed without the prior formal approval of the Local Planning Authority.

Reason: In the interests of visual and residential amenity and in accordance with Policy CS19 of the Core Strategy and Policy SP15 of the Site Allocations and Policies DPD.

7. The site and building shall be used only for personal equestrian purposes and shall not be used as a livery, commercially or host any events.

Reason: For the avoidance of doubt and in the interests of residential amenity and highway safety and in accordance with Policy SP15 of the Site Allocations and Policies DPD.

Site & Surroundings

1. The field is located on Uppingham Road, at the western edge of the village and comprises an approximately rectangular parcel of land. The site is bordered by hedges alongside the highway. Work has taken place on the site to clear landscaping, to provide hardcore and to alter the access. The site lies with fields to the north and west, the highway to the east and neighbouring dwellings to the south.

Proposal

2. The application comprises the change of use of land from agricultural to equestrian use and the erection of a stable building. Work has taken place to clear the site of trees and shrubs and the site is now grassland. The proposal is to allow the applicant to stable a horse, mostly during winter months. The application includes the erection of a timber stable building including a tack room and feed store. The stable building would be of timber construction on a concrete base, clad with timber boarding with a profiled metal pitched roof and would be located in the north-east corner of the site. The site is served by an access onto the highway with the gates set back 8 metres. The applicant states the access was existing/historic and has been altered recently.
3. Revised plans have been received to stipulate a timber post and rail fence of a height of 1.2 metres together with a native hedge; this is to replace the solid timber fencing and planting on the site.

Relevant Planning History

There is no recent relevant history. Older planning applications are discussed below.

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 2 – Achieving Sustainable Development

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well-Designed Places

Chapter 15 – Conserving and Enhancing the Natural Environment

Chapter 16 – Conserving and Enhancing the Historic Environment

Site Allocations and Policies DPD (2014)

SP15 – Design and Amenity

SP19 – Biodiversity and Geodiversity Conservation

SP20 – The Historic Environment

Core Strategy DPD (2011)

CS19 – Promoting Good Design

CS21 – The Natural Environment

CS22 – The Historic and Cultural Environment

Neighbourhood Plan

None

Other

None

Officer Evaluation

Principle of Development

4. The site is on land classed as countryside, adjacent to the boundary of the village to the south. The proposal seeks permission to use the site for equestrian purposes and to erect a stable building. Policy CS4 states development in the countryside will be strictly limited to that which has an essential need to be there and will be restricted to particular types of development to support the rural economy. Policy SP7 states sustainable development in the countryside will be supported for, amongst other things, agriculture, horticulture, or forestry or for the essential provision of sport or recreation. Policy SP13 states development comprising equestrian buildings and structures will be supported provided the tests in the policy are met.
5. The proposal comprises use of the land for equestrian purposes, specifically for the site to accommodate a horse and a stable. Although the field is of a limited size, in planning policy terms the proposal is an acceptable countryside use.
6. As part of the consultation process, comments have been received stating that the area of the site is not sufficient at 0.21 hectares gross to accommodate a horse, that the stable is only suitable for one small pony and the proposals would not meet the British Horse Society standards. Whilst this is noted, this is separate to planning legislation under which no objection can be raised to the size of paddock or stabling for the horses.
7. As such, the proposal complies with Policy CS4 of the Core Strategy and Policies SP7 and SP13 of the Site Allocations and Policies DPD in terms of the principle of development.

Impact of the Proposal on the Character of the Area

8. Policy CS19 requires new development to contribute positively to local distinctiveness. Policy SP7 requires development to not be detrimental to the character and appearance of the landscape, visual amenity or setting of villages. Policy SP13 requires development to not be unduly prominent and not to detract from the landscape. Policy SP15 relates to design.
9. The site is within the conservation area and covered by the Article 4 Direction. The Local Planning Authority is required to ensure that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, through the Planning (Listed Buildings and Conservation Areas) Act 1990 at Section 72. Policy

CS22 seeks to conserve and enhance the built and historic environment. Policy SP20 seeks to protect and enhance historic assets and their settings.

10. The site occupies a countryside location on the approach into the village of Seaton. The site is landscaped along the site boundaries and although it has been cleared of landscaping within the site now comprises grassland and has a rural appearance. The proposal to use the site for equestrian purposes would be visually acceptable and would be appropriate for this site.
11. The proposed stable would be of a limited size and height, occupying a location adjacent to the site boundary. It would have a typical appearance of an equestrian building, with external timber cladding and a grey metal profile roof. The proposed building is considered to be acceptable for the rural site and would not result in harm to the character or appearance of the conservation area.
12. Works to the access have resulted in the provision of timber screens to each side. These are visible and prominent when viewed from the public realm and detract from the site and surroundings. They are domestic in appearance and at odds with the prevailing rural character. They do not contribute positively to local distinctiveness and are detrimental to the rural appearance of the site and surroundings. Furthermore, they are harmful to the appearance of the conservation area, introducing a domestic visual element into the rural environment.
13. Therefore, revised plans were requested to replace this fencing with more appropriate timber post and rail fencing together with planting on the site to comprise native hedging. The revised plans reflect this, and the timber screening and inappropriate planting can be addressed through this revised plan and an appropriately worded condition.
14. As such, the proposals are considered to be visually acceptable and to preserve the character and appearance of the conservation area. The proposal is therefore in accordance with Sections 12 and 16 of the NPPF (2021), Policies CS19 and CS22 of the Rutland Core Strategy (2011) and Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014).

Impact on the neighbouring properties

15. The site occupies a countryside location with fields to the north and west and highway with further fields beyond to the east. To the south the site is adjacent to a terrace of properties with gardens to the rear of these.
16. The proposed use of the land is considered compatible with the surrounding land uses. The equestrian use would not result in undue noise, disturbance or odour and the limited size of the site would ensure the use remains at a low intensity. The stable building would be located to the north-east of the site, maximising the separation distance from the neighbouring dwellings.
17. Although there is a terrace adjacent to the site to the south, the proposals would not result in undue harm to the residential amenities of occupiers of those properties.

18. The proposal is therefore acceptable in this respect, in accordance with Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Highway issues

19. Development has taken place on the site which includes the access onto Uppingham Road. This comprised providing hardstanding from the highway boundary to the gates which are set 8 metres into the site. The application states this development comprises alterations to an existing access.
20. In support of this evidence has been provided to try and demonstrate that the access is historic and therefore the development carried out only altered an existing access. The supporting information includes:
- Emails from three people, one stating involvement in the clearance of the site in 2003, where they recollect there was a vehicular access which was overgrown but once cleared vehicles could use the access, confirmation from another that there was a gateway into the field in the 1980's when they cleared the site for the then owner and from the third (the former owner) stating he bought the land in 1976 from his uncle's widow, the uncle had a workshop and a few fruit trees and access was gained by a gate from Main Street which has always been in place to allow access to the workshop and allow maintenance to the land.
 - A plan from 1998 showing the location of the former building on the site.
 - A historic aerial photograph illustrating an access point into the site.
 - A photograph of the historic gate into the site.
 - An email from the Agent stating evidence was found of the earlier workshop building, including a kerb line that related to the entrance; this suggests that the field entrance has been in this location for some considerable time.
 - Email from the Parish Council stating there was originally a narrow access serving the site. It was in line with the roadside hedge and straight onto the verge. Its use was dangerous on the double bend of the Seaton to Uppingham Road.
21. Having assessed the information available, there is evidence to suggest the existing access is an alteration of a previous access. In particular, the evidence includes a photograph showing what appears to be part of an old gate and kerbstone on the current access. In addition, a historic aerial photograph appears to show a small clearing in the landscaping although this is not definitive evidence of a vehicular access. Whilst the evidence is not comprehensive in identifying the exact location of the access, there is sufficient evidence that it is likely the historic access and the existing access are the same. Furthermore, the Council's Enforcement Officer has viewed the historic gate and kerbstone on site which corresponds with the existing access.

22. In addition to the above, two planning applications were submitted on the site historically. The first was 1980/0335 for the erection of a dwelling; this was refused partly on the grounds of the access being unacceptable to serve a dwelling. The second application, 1981/0164 also related to the erection of a dwelling and was again refused partly on the access being unacceptable. These cases confirm there was an access to the site at this time.
23. Although there are objections to the proposal, these are not on the grounds that an access on the site did not exist. The Parish Council accept there was an access to the site although they have also stated that in their view any previously deemed vehicular access planning consent has been lost.
24. It is considered that the case has been proven beyond reasonable doubt that an access previously existed at this location and therefore the works that have taken place to the access have been alterations to an existing access rather than the provision of a new access.
25. The issue of whether the access has been abandoned has been raised. The issue of abandonment in planning is complex but a key consideration is it needs to be demonstrated there was an intent to cease a use. No such evidence exists in this case and therefore it is not considered a case could be made to suggest the use of the access had been abandoned.
26. As such, it is accepted on balance that the access as amended was the original access and that it could lawfully be altered.
27. Prior to this evidence being provided, the Highway Officer recommended refusal, on the understanding the access was a proposed new access. The Highway Officer stated due to the access position within a 60mph area visibility splays of 2.4 x 215m are required in both directions along Uppingham Road. No evidence was provided to demonstrate compliance with this requirement and that splays of this size will encroach on third party land, outside of the site edged red. The Highway Officer could also find no records showing that this was an existing access.
28. The Highway Officer also stated that support would not be forthcoming for a new access that proposed loose surfacing material as part of the access, that the 8-metre drive would not be of sufficient length, that the proposed access does not allow for adequate vehicle to pedestrian visibility with splays measuring 2x2m either side of the access behind the back of the highway. The Highway Officer further stated that the access width would not allow a vehicle to enter if one was waiting to exit and as no information has been provided in terms of how many trips/people are likely to be generated, the Highway Officer has assumed there will be potential for a vehicle to arrive whilst one is waiting to exit.
29. For these reasons the Highway Officer recommended refusal on highway safety grounds.
30. Following this, as evidence that the access is an alteration of an existing access has been provided, the Highway Officer has been reconsulted on this basis and comments will be provided at committee.

31. On balance, it is considered that the access is established and therefore an objection to the access cannot reasonably be raised. The Agent has been advised of the Highway Officer concerns regarding the access depth, vehicular visibility splays, loose materials on the access, lack of pedestrian visibility splays and the inability for two vehicles to pass on the access. Information was also sought about trip generation to compare the historic use of the site with the proposed equestrian use of the site. A response is awaited and will be reported at committee.
32. Therefore, the proposal would not have an unacceptable adverse impact on highway safety in accordance with Section 9 of the NPPF (2021) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Ecology

33. The site was cleared of landscaping prior to the submission of the application. LCC Ecology raised concerns given that as the site was formerly an orchard, this would have been a UK BAP Priority Habitat. Furthermore, they also stated that where activities have recently been carried out which caused a reduction in the biodiversity of the site the biodiversity net gain required would relate to the former biodiversity of the site.
34. As the development carried out has resulted in a loss of biodiversity, a scheme to increase biodiversity is sought via a condition.
35. The proposal therefore complies with Policy CS19 of the Core Strategy and Policy SP21 of the Site Allocations and Policies DPD.

Other Matters

36. It is acknowledged the application has generated a significant level of objection from residents and the Parish Council on several grounds:
 - impact on nature, loss of trees, site should be restored to woodland, loss of trees in the conservation area, inappropriate replacement hedge planting, hedge poisonous to horses;
 - highway safety, traffic generation, inadequate parking, loading, and turning, access dangerous with poor visibility, previous access served an orchard and generated less traffic than the proposed use, object to the gates;
 - overlooking and loss of privacy;
 - land not large enough to accommodate a horse, the building size is excessive for the associated grazing land;
 - better roof material should be sought in the conservation area;
 - traffic noise;
 - fence out of keeping, access visually intrusive;
 - object to the provision of water and electricity.
37. In terms of the impact on neighbouring properties, Public Protection stated that given the close proximity of residential premises the applicant should submit details on how the manure of the site will be managed to protect the amenity of residents from the unacceptable accumulation of manure. The details contained in the information would include how it is stored, for example placed in a wagon and removed to agricultural land. If a fixed store is to be constructed details should be

submitted and approved by the Council. The location of any storage should be agreed to minimise the impact on the neighbours and this can be achieved via a condition.

38. Furthermore, in terms of lighting, Public Protection state that any lighting shall not exceed the obtrusive light limits specified for environmental zone E2 in the Institution of Lighting Professionals document Guidance Notes for the Reduction of Obtrusive Light: Guidance Note 01:21. This could be dealt with via a condition.
39. In terms of the comments above, the loss of the landscaping and ecological value of the site is regrettable; this took place prior to the submission of the planning application. A condition is recommended to secure a landscaping scheme that would replace some of the lost planting and to increase the ecological value of the site.
40. The highway issue is discussed above. Given the nature of the proposal and the separation distances to the neighbouring properties, it is not considered a significant loss of amenity would ensue. The visual impact is also discussed above and it is not considered that the provision of water and electricity would fall under planning legislation.

Crime and Disorder

41. It is considered that the proposal would not result in any significant crime and disorder implications.

Human Rights Implications

42. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

Consultations

Seaton Parish Council

43. The site (formerly orchard) has not been managed for substantially more than twenty years. During this period existing and self-set vegetation would have grown to more than 75mm diameter when measured at 1.5m from ground level. Expected vegetation would have naturally comprised a variety of tree species common to the area including Crataegus Monogyna (May Tree), Quercus Robur (oak), Fraxinus Excelsior (ash) and Sambucus (elder). Without the requisite permission it is an offence to cut down, uproot or wilfully destroy any trees in a conservation area and those that do so may be liable for a fine of up to £20,000.
44. It is the view of Seaton Parish Council that the applicant was aware of the conservation area planning status and, in anticipation of his proposals and subsequent actions for the site and planning application, he wilfully destroyed the on-site tree vegetation without conservation area consent.

45. Alteration of an access gate of more than 1m adjacent a highway in a conservation area also requires conservation area consent. Furthermore, the alteration of a vehicular access onto a 60mph road requires planning permission as does the erection of fencing more than 1m high. The applicant again undertook these works without the necessary planning permission or conservation area consent. The works comprising the loss of native hedging species and replacement by 2m vertical timber boarding are considered to be detrimental to the visual amenity of the locality.
46. Demolition within a conservation area also requires conservation area consent.
47. The applicant has a background of building and development, and therefore has sufficient knowledge of planning law to have appreciated the actions that he was undertaking were in contravention of planning legislation.
48. The applicant was approached by Rutland County Council Planning Department in early September and advised that no further works should be undertaken until a retrospective planning application was submitted.
49. The applicant continued to undertake work to the site. This included the provision of mains electricity and water, requiring planning permission.
50. It seems apparent that the applicant was fearful of not obtaining the relevant planning permissions and consents for change of use to equestrian and stabling, and therefore undertook all possible works to destroy the original site including wilfully ignoring direct RCC Planning advice, in the hope of retrospective agreement to the work that he had undertaken.
51. The British Horse Society recommends a minimum stable size for a large horse of 3.65 x 4.25 m (15.5m²) together with sufficient equipment and feed/fodder storage, and 0.4-0.6 ha / 1.0-1.5 ac grazing. The recommended grazing requirement is more than double of that proposed in the application
52. The building height at roof ridge appears to be approx. 3.35m and eaves height approx. 2.5m. 13.5m² storage is considered very insufficient for the likely importing of feed and fodder, especially for winter occupation.
53. For the wellbeing of horses few are kept alone, thus additional grazing would be expected. After accounting for the grazing requirement there is no area for exercising the horse which would require its regular egress and ingress from and to the site off a 60mph road with poor visibility.
54. The regular importing of feed and fodder and removal of stable waste will greatly increase the use of the access onto a 60mph road with poor visibility. The access off the highway onto a 60mph road has very poor visibility splays either direction on a double bend. Its relocation either east or west will not improve its safe use. Village residents have previously raised concerns as to highway safety in this locality.
55. The proposed use of the site is proposed more in the winter months thus access onto the road will frequently be in poorer weather conditions, and grazing will be very limited thus requiring greater importing of feedstuffs.

56. On-site parking and turning area are very limited.
57. There is reference to the provision of amenities to the site but none in respect of its management in particular the grazing for the benefit of a horse.
58. Recent works have included the planting of laurel hedging which is poisonous to most livestock including horses.
59. Reference is made to application 2015/0624/FUL detailing a planning permission refusal for a similar planning application. The works were considered detrimental to the character and appearance of the area and contrary to planning policies.
60. The application site is outside of the village development area and is therefore considered to be in open countryside.
61. The retrospective planning application is inaccurate and misleading:
- 5 Work commencement -clearly development work HAS already started (tree and shrub removal, site clearance, grass seeding, mains services, access alteration, fencing, hardcoring).
 - 6 Existing use - the former vehicle workshop is likely to have been partially constructed of asbestos cement and workshop use might also indicate land contamination. The grass is as a result of recent works. Prior to this (July 2021) the entire site comprised extensive and mature tree and shrub vegetation.
 - 8 Access - the original access (unused for perhaps more than twenty years) has been altered
 - 9 Parking - on-site parking (and turning area) will need to be provided
 - 10 Trees and Hedges - the site had deliberately been cleared of trees to mitigate their influence on the planning application
 - 12 Biodiversity Conservation a) protected (conservation area) - The site had deliberately been cleared of trees to mitigate their influence on the planning application. b) important habitat and biodiversity - The site had deliberately been cleared of trees to mitigate their influence on the planning application
 - 17 Non-residential floor space – the answer is “yes” (not “no”)
62. Seaton Parish Council’s objection is based on the application being contrary to RCC planning policies:
CS4/CS19/CS21/CS22/SP7/SP15/SP19/SP20/SP23
63. The application does not comply with RCC Planning Policy SP13 - Agricultural, horticultural, equestrian and forestry development
64. Development comprising new agricultural, horticultural, equestrian and forestry buildings and structures will only be acceptable where:
- a) it is not unduly prominent, particularly on the skyline, and will not detract from the appearance of the street scene or the landscape;
 - b) wherever possible it is well integrated with existing buildings;
 - c) it will not lead to an increase in pollution, through for example, the disposal of effluent;
 - d) it will not have any undue adverse effect on residential amenity in terms of noise, dust, smell, or disturbance;
 - e) no undue disturbance will arise from vehicular movements;

- f) an adequate, safe, and convenient access will be provided;
- g) it will not be detrimental to environmental and highway considerations generally and;
- h) it will have no adverse impact on biodiversity, habitats, and species.

Further Comments Received:

- 65. There was originally a narrow access serving the site. It was in line with the roadside hedge and straight onto the verge. Its use was dangerous on the double bend of the Seaton to Uppingham Road. The site has not been managed for more than twenty years and during this time the access became unused, overgrown, and ultimately unusable. It is suggested that any previously deemed vehicular access planning consent has been lost.
- 66. The current access to the site was made in 2021 without applying for planning permission. It does not comply with RCC Highways criteria. Seaton Parish Council concurs with RCC Highways comments of 04.02.22 that the access is inadequate and below the required standard in all respects thus contrary to policy SP15 of the Rutland Local Plan Site Allocations and Policies DPD 2014.
- 67. The original access for the site, considered unused for more than twenty years and possibly a no longer a valid or consented access, previously served a small orchard. The current application is for a new access for an alternative and greatly intensified use. RCC Highways has advised in respect of this use in accordance with the accepted highways criteria. RCC Highways has strongly recommended refusal because the access is inadequate, below standard, with substandard visibility splays, and that vehicle manoeuvrability would have an adverse effect on highway safety. The proposal is therefore contrary to policies SP15.
- 68. The argument is not of whether there is an access or not, it is whether the access created to date is appropriate for the proposed use. Clearly it is not as advised by your highways professional. The objection by RCC Highways is totally valid and continues to be so in respect of this application. Furthermore, the access created to date within the village conservation area, is inappropriate and contrary to local policies in respect of its design, landscaping and use of materials as previously advised to you. Seaton Parish Council reiterates that this application must be refused. It again refers to planning refusal 2015/0624/FUL.

Highway Authority

- 69. I have now reviewed the above number planning application on behalf of the Local Highway Authority and recommend refusal for highway safety reasons.
- 70. There is no information provided to demonstrate that vehicle to vehicle visibility is achievable but having viewed the site it is clear adequate vehicle to vehicle visibility is not achievable without significant loss of existing trees and shrubs.
- 71. Due to the access position, within a 60mph, visibility splays of 2.4 x 215m are required, these being measured 2.4m from the channel line of the carriageway into the proposed access position and measured 215m from the centre of the access in both directions along Uppingham Road, terminating at the nearest channel line.

Within those splays there should not be any obstruction higher than 600mm above ground level. In addition, splays of this size will encroach on third party land, outside of the site edged red.

72. Plan 22831/01A Plans and Elevations state that the access is existing, however there are no records showing that this is an existing access, nor could I find an application under Section 184 of the Highways Act 1980 permitting access over the public highway verge. Furthermore, I could not find any evidence on streetview or any historic plans showing this being an existing access. From the photo's provided the access would appear to be newly formed. Whilst the access is physically existing, it's status is unlawful.
73. Furthermore, the LHA would not permit loose surfacing material as shown in the photo. Given all of the above the LHA will be requesting that the access is removed, and the area of highway verge returned to its previous state (grassed verge).
74. I assume there will also be other concerns such as the removal of a significant section of mature hedgerow.
75. The Design & Access Statement states the access depth of 8m is sufficient for a vehicle and horsebox to pull off the highway, but this would not be long enough.
76. The Design & Access Statement states that the access could be moved to near the access to the rear of the adjacent houses; however, the LHA are of the view that the required vehicle splays would still not be achievable within the site edged red/public highway boundary and they would again encroach on third party land and result in significant loss of existing hedgerows and trees.
77. The proposed access does not allow for adequate vehicle to pedestrian visibility. Splays measuring 2x2m either side of the access behind the back of the highway would be required with no obstruction within 600mm above ground level.
78. The access width is not shown, however it would not allow a vehicle to enter if one was waiting to exit. No information has been provided in terms of how many trips/people are likely to be generated, and therefore the LHA must assume there will be potential for a vehicle to arrive whilst one is waiting to exit.
79. For the reasons mentioned above, the LHA strongly recommend refusal for the following reason:
The proposed access to the site is inadequate and below the standard required by reason of substandard vehicle to vehicle visibility splays, substandard vehicle to pedestrian visibility splays, substandard depth, and substandard width. As a consequence, the manoeuvring of vehicles likely to be associated with the proposed development would have an adverse effect on the safety of users of the public highway. This is contrary to policy SP15 of the Rutland Local Plan Site Allocations and Policies DPD 2014.

Highway Authority

80. Comments on Revised Proposals to be reported at committee.

Forestry Officer

81. Requested a tree survey. I have been to this site and seen the work undertaken. No trees are suitable for TPO.

Public Protection

82. Given the close proximity of residential premises the applicant should submit details on how the manure of the site will be managed to protect the amenity of residents from the unacceptable accumulation of manure. The details contained in the information would include how it is stored, for example placed in a wagon and removed to agricultural land. If a fixed store is to be constructed details should be submitted and approved by the LPA. The location of any storage should be agreed to minimise the impact on the neighbours.
83. We note there is to be an electrical supply. The use of lighting the development, and used at individual premises, shall not exceed the obtrusive light limits specified for environmental zone E2 in the Institution of Lighting Professionals document Guidance Notes for the Reduction of Obtrusive Light: Guidance Note 01:21.

Health and Safety Executive

84. No objection.

Neighbour Representations

85. 29 objections received which are summarised below:
- impact on nature, loss of trees, site should be restored to woodland, loss of trees in the conservation area, inappropriate replacement hedge planting, hedge poisonous to horses;
 - highway safety, traffic generation, inadequate parking, loading, and turning, access dangerous with poor visibility, previous access served an orchard and generated less traffic than the proposed use, object to the gates;
 - overlooking and loss of privacy;
 - land not large enough to accommodate a horse, the building size is excessive for the associated grazing land;
 - better roof material should be sought in the conservation area;
 - traffic noise;
 - fence out of keeping, access visually intrusive;
 - object to the provision of water and electricity.
86. 4 representations received in support stating the access has been in situ historically.

Conclusion

87. Taking the above into account, it is considered that subject to the imposition of conditions the application is acceptable in principle, would not result in harm to the character or appearance of the Conservation Area. There would be no harm to residential amenity or highway safety. The proposal is in accordance with Sections 12 and 16 of the NPPF, Policies CS19 and CS22 of the Core Strategy and Policies SP15 and SP20 of the Site Allocations and Policies DPD.